

United States District Court

for the

WESTERN DISTRICT OF OKLAHOMA

United States of America

v.

Joshua David Moseley,

FILED

JUN 2 2022

Case No:

M-22-412-P

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY: Carmelita Shinn, DEPUTY

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the dates of May 7, 2022, and May 12, 2022, in the county of Oklahoma, in the Western District of Oklahoma, the defendant violated:

*Code Section**Offense Description*

18 U.S.C. § 922(g)(9)

Possessing a firearm after previously being convicted of the misdemeanor crime of domestic violence.


18 U.S.C. § 922(a)(6)

Making a false statement to a licensed dealer of firearms.

This criminal complaint is based on these facts:

See attached Affidavit of Special Agent Brenden Taylor, Bureau of Alcohol, Tobacco, Firearms and Explosives, which is incorporated and made a part hereof by reference.

☒ Continued on the attached sheet.


Complainant's signature

BRENDEN TAYLOR

Special Agent

Bureau of Alcohol, Tobacco, Firearms and Explosives

Sworn to before me and signed in my presence.

Date:

June 3, 2022

*Judge's signature*City and State: Oklahoma City, Oklahoma

GARY PURCELL, U.S. Magistrate Judge

Printed name and title

course of action: Proceed, Deny, or Delay. If NICS sends a "Delay" response, the prospective buyer must wait at least three days before he/she is allowed to purchase the firearm. After three days, if NICS has not sent a "Deny" message, the FFL may legally transfer the firearm to the purchaser. In the event that a cause to issue a denial is found after the firearm has been transferred, a "delayed denial" is generated. NICS then contacts the Bureau of Alcohol, Tobacco, Firearms, and Explosives Denial Enforcement and NICS Intelligence Branch, who then assigns the firearm recovery to an agent in the area of the purchase.

2. On May 26, 2022, I received the following information from the FBI and ATF Denial Enforcement and NICS Intelligence Branch regarding a delayed denial involving Joshua David MOSELEY.

3. On May 7, 2022, MOSELEY attempted to purchase a Beretta, model PX4 Storm, .40 S&W caliber, semi-automatic pistol, bearing serial number PZ7556A from Super Pawn #2 Inc., located at 8317 NE 23rd Street, Oklahoma City, OK 73141. MOSELEY filled out ATF Form 4473 and indicated that he lives at 2400 South Harrah Road, Harrah, Oklahoma, 73045. In response to question 21(i) "Have you ever been convicted in any court of a misdemeanor crime of domestic violence..." MOSELEY checked the box for "No". When the FFL sent the completed ATF Form 4473 to NICS MOSELEY received a "Delay" response, and the firearm was not transferred at that time.

4. On May 12, 2022, MOSELEY returned to the Super Pawn. MOSELEY was still under a "Delay" response, but more than three days had passed, so the firearm was transferred to MOSELEY. Store records indicate that the transfer took place at approximately 2:26 PM.

5. On May 26, 2022, I went to the Super Pawn to review and recover surveillance footage from the time of purchase. Using booking photographs and a physical description of MOSELEY, I was able to observe MOSELEY enter the store, conduct a transaction, receive a firearm, then exit the store and leave in a blue Toyota Tundra.

6. A blue Toyota Tundra, Oklahoma registration KBR786 is registered to Joshua Davis MOSELEY at 2400 South Harrah Road, Lot 1, Harrah, Oklahoma, 73045.

7. On May 31, 2022, I observed a blue Toyota Tundra, matching the truck from the surveillance footage, backed into a parking spot at 2400 South Harrah Rd, Lot 1, Harrah, Oklahoma, 73045.

8. I queried the criminal history of Joshua David MOSELEY, DOB xx/xx/1991, and noted the following:

a. On January 6, 2022, MOSELEY was convicted in Oklahoma County for one count of misdemeanor domestic assault and/or battery and received a 1-year suspended sentence. MOSELEY was present with counsel, waived his right to a jury trial and entered a plea of guilty to the aforementioned charge.

b. On August 19, 2009, MOSELEY entered a plea of guilty to felony distribution of a controlled substance. On March 26, 2010, he received a five-year deferred sentence, which he successfully completed.

9. I am an ATF Firearms Interstate Nexus Expert. Based on the description of the firearm provided to me by the FFL, it is my opinion that the firearm was not manufactured in the state of Oklahoma, and therefore crossed state lines to reach the state of Oklahoma, thereby affecting interstate commerce.

Based upon the aforementioned facts and circumstances, I believe that probable cause exists that on or about May 12, 2022, in Oklahoma City, Oklahoma, in the Western District of Oklahoma, **Joshua David MOSELEY**, being previously convicted of a misdemeanor crime of domestic violence, did possess a firearm in violation of United States Code, Title 18, Section 922(g)(9) and made a false statement as to material fact to an FFL in violation of United States Code, Title 18, Sections 922(a)(6).



BRENDEN W. TAYLOR

Special Agent

Bureau of Alcohol, Tobacco, Firearms and
Explosives

Subscribed and Sworn to before me this 2nd day of June, 2022.



GARY M. PURCELL

UNITED STATES MAGISTRATE JUDGE